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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

LEAH VAUGHN,

Defendant.

CR 15-332-JD

STIPULATION AND ~~PROPOSED~~ ORDER
TO VACATE OCTOBER 25, 2017 STATUS
HEARING, SET BRIEFING SCHEDULE
AND MOTION HEARING DATE AND
EXCLUDE TIME UNDER THE SPEEDY
TRIAL ACT

Date: October 25, 2017

Time: 10:30 a.m.

Ms. Vaughn is charged in an eleven count indictment with wire fraud, in violation of 18 U.S.C. § 1343, filing false claims, in violation of 18 U.S.C. § 287, and aggravated identity theft, in violation of 18 U.S.C. § 1028A. She is not in custody. A status hearing in this case is set for October 25, 2017. The government has produced approximately 24,000 pages of discovery pursuant to a protective order.

Ms. Vaughn intends to file a motion to dismiss the indictment for a speedy trial violation. The parties have met and conferred regarding the motion and agree to the following briefing schedule:

November 8, 2017:	Ms. Vaughn's deadline to file pretrial motions
November 22, 2017:	the government's deadline to file a response
November 29, 2017:	Ms. Vaughn's deadline to file a reply to the government's response
December 13, 2017:	motion hearing before the Court on pretrial motions

1 Therefore, the parties jointly request the Court vacate the October 25, 2016 status hearing,
2 adopt the briefing schedule agreed to by the parties, and set a motion hearing date of December 13,
3 2017 on the motion at 10:30 a.m. in the San Francisco courthouse.

4 The parties also agree that time should be excluded under the Speedy Trial Act, 18 U.S.C. §
5 3161, between October 25 and December 13, 2017. Time has already been excluded between May 18,
6 2017, the date of Ms. Vaughn's initial appearance, and October 25, 2017 for the effective preparation
7 of counsel, taking into account the exercise of due diligence, under 18 U.S.C. § 3161(h)(7)(B)(iv). For
8 that same reason, time should continue to be excluded as defense counsel continues reviewing
9 voluminous discovery and the parties continue to pursue a resolution to the case. After Ms. Vaughn's
10 motion to dismiss is filed, time can also be excluded under 18 U.S.C. § 3161(h)(1)(D) due to a pending
11 pretrial motion.

12 Thus, the parties request (1) this Court vacate the October 25, 2017 status hearing; (2) set the
13 briefing schedule agreed to above; (3) set a motion hearing date of December 13, 2017 at 10:30 a.m. in
14 the San Francisco courthouse; and (4) exclude time under the Speedy Trial Act.

15
16 DATED: October 20, 2017

/s/
HANNI M. FAKHOURY
Assistant Federal Public Defender

17
18 DATED: October 20, 2017

/s/
JOSE A. OLIVERA
Assistant United States Attorney

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5 **~~PROPOSED~~ ORDER**

6 Based on the reasons provided in the stipulation of the parties above, the Court hereby:

- 7 1. Vacates the October 25, 2017 status hearing currently set in this case;
- 8 2. Adopts the following briefing scheduled agreed to by the parties:
- 9 **November 8, 2017:** Ms. Vaughn's deadline to file pretrial motions
- 10 **November 22, 2017:** the government's deadline to file a response
- 11 **November 29, 2017:** Ms. Vaughn's deadline to file a reply to the government's response
- 12 3. Schedules a motion hearing on pretrial motions for December 13, 2017 at 10:30 a.m. in
- 13 the San Francisco courthouse; and
- 14 4. Finds good cause to exclude the time between October 25, 2017 and December 13, 2017
- 15 from the Speedy Trial Act for the effective preparation of counsel, taking into account
- 16 due diligence, under 18 U.S.C. § 3161(h)(7)(B)(iv).
- 17

18 **IT IS SO ORDERED.**

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20 DATED: October 23, 2017



HONORABLE JAMES DONATO
United States District Judge